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**ORDINANCE NO. 3530**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A ZONING MORATORIUM ON THE ACCEPTANCE OF ARCHITECTURAL DESIGN BOARD APPLICATIONS OR BUILDING PERMIT APPLICATIONS, NOT OTHERWISE VESTED PURSUANT TO STATE LAW PRIOR TO DATE OF ENACTMENT OF THIS ORDINANCE, WHICH SEEK TO UTILIZE MODULATED DESIGN IN ORDER TO OBTAIN A BUILDING HEIGHT IN EXCESS OF THE TWENTY-FIVE FOOT HEIGHT LIMITATION ESTABLISHED BY ECDC 16.50.020(A)(2), SETTING A PUBLIC HEARING THEREON WITHIN SIXTY DAYS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the decision of the Snohomish County Superior Court in *Bauer v. City of Edmonds* interprets certain provisions of City ordinance in a manner different than they have been historically and consistently applied by the City, and

WHEREAS, said decision controls the application considered in the Land Use Petition Act case but does not have controlling precedential value with respect to other applications which may be filed with the City, and

WHEREAS, the City Council is awaiting the recommendations of its Planning Board regarding changes to the Comprehensive Plan and zoning code which may address any or all of these issues, and

WHEREAS, the City Council deems it to be in the public interest to enact a zoning moratorium until such time as either a regular change in the City's Comprehensive Plan

and zoning code is enacted or until such time as interim zoning measures clarifying the City's position may be enacted, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Pursuant to RCW 36.63.020, 36.70.795, and 36.70A.390 a moratorium is hereby enacted on the receipt of applications of Architectural Design Board approval or building permit approval for projects, not otherwise vested pursuant to state law or City ordinance, which seek to utilize the provisions of ECDC 16.50.020(A)(2) in order to obtain a height limit in excess of twenty-five feet based in whole or in part upon modulated building design.

Section 2. Pursuant to the requirements of state statute, a public hearing on this moratorium is hereby set for the 18<sup>th</sup> day of January, 2005, such hearing date being within sixty days of the adoption of this moratorium.

Section 3. This ordinance is limited to six months duration and shall expire on its own terms unless extended following public hearing, by act of the City Council.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

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MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

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CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
W. SCOTT SNYDER

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|-----------------------------|------------|
| FILED WITH THE CITY CLERK:  | 01/04/2005 |
| PASSED BY THE CITY COUNCIL: | 01/04/2005 |
| PUBLISHED:                  | 01/06/2005 |
| EFFECTIVE DATE:             | 01/11/2005 |
| ORDINANCE NO. <u>3530</u>   |            |

## **SUMMARY OF ORDINANCE NO. 3530**

of the City of Edmonds, Washington

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On the 4<sup>th</sup> day of January, 2005, the City Council of the City of Edmonds, passed Ordinance No. 3530. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A ZONING MORATORIUM ON THE ACCEPTANCE OF ARCHITECTURAL DESIGN BOARD APPLICATIONS OR BUILDING PERMIT APPLICATIONS, NOT OTHERWISE VESTED PURSUANT TO STATE LAW PRIOR TO DATE OF ENACTMENT OF THIS ORDINANCE, WHICH SEEK TO UTILIZE MODULATED DESIGN IN ORDER TO OBTAIN A BUILDING HEIGHT IN EXCESS OF THE TWENTY-FIVE FOOT HEIGHT LIMITATION ESTABLISHED BY ECDC 16.50.020(A)(2), SETTING A PUBLIC HEARING THEREON WITHIN SIXTY DAYS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 5<sup>th</sup> day of January, 2005.

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CITY CLERK, SANDRA S. CHASE